

**MINUTES**  
**COMMITTEE ON LAW & LICENSING**

**July 9, 2013 - 2:00 p.m.**  
**Common Council Chambers, City Hall**

**Members Present:** Chairperson Ald. Jodi VanderWeele, Vice Chairperson Ald. Kevin Matichek, Ald. Susan Lessard, Ald. Scott Lewandoske, Ald. Bill Thiel

**Others in Attendance:** Assistant City Attorney Charles C. Adams, Chief Christopher Domagalski, Lt. Douglas Teunissen, Lt. Scott Mittelstadt, City Clerk Susan Richards, Ald. Joel Pentico, Officer Dana Fischer, Wa Lee, Mrs. Lee, Henry Capetillo, Kathy J. Gerharz, Alex D. Alvarez, Stacey A. Stoltzman, Tabitha L. Jarrett, Joseph R. Kovacich, Rufino C. Martinez, Jr., Judyth Ellinger, Audrey Brubaker, Ignacio Mendiola, Mauro Castro, Elizabeth Gould, Avni Latifi, Christina Latifi, Ricardo Regalado

Chairperson VanderWeele called the meeting to order at 2:01 p.m.

The Pledge of Allegiance was recited.

Introduction of committee members, staff and guests.

A motion to approve the minutes of the previous meeting held June 25, 2013 was made by Ald. Matichek and seconded by Ald. Lessard. **All ayes; motion approved.**

**R.O. No. 46-13-14 (6-3-13) – Various License Applications: Bev. Op. Lic. [renewal] App. Nos. 7012 (Alex D. Alvarez), 4518 (Stacey A. Stoltzman)**

Submitting various license applications for the period ending June 30, 2014 and June 30, 2015.

Alex D. Alvarez appeared before the committee to discuss his renewal application. After a hearing involving a discussion of his record, Ald. Lessard moved, seconded by Ald. Matichek, to grant the license. **All ayes; motion approved.**

Stacey A. Stoltzman appeared before the committee to discuss her renewal application. After a hearing involving a discussion of her record and her failure to include violations on her application, Ald. Matichek moved, seconded by Ald. Thiel, to grant the license contingent upon the application being corrected, and with a warning to include all relevant information on future applications. **Three ayes and two nays (Ald. Lessard and Ald. Lewandoske); motion approved.**

**Presentations by potential applicants for available “Class A” alcohol beverage licenses**

There is presently one “Class A” alcohol beverage license available. Wa Lee was again present regarding the liquor store he and his wife want to open in the TCL Foto building on North 13th Street. Henry Capetillo spoke on behalf of the Gateway Neighborhood and indicated that the businesses in the neighborhood are not in favor of a liquor store. Lt. Teunissen indicated that he doesn’t feel that a liquor store belongs on Michigan Avenue.

**Discussion and action regarding granting opportunity to apply for available “Class A” alcohol beverage licenses**

Ald. Matichek moved, seconded by Ald. Lessard, to not grant the opportunity to apply for the available license. **All ayes; motion approved.**

**R.O. No. 45-13-14 (6-3-13) – Various License Applications: Bev. Op. Lic. [new] App. Nos. 9993 (Kathy J. Gerharz), 9984 (Jessica E. Steinke)**

Submitting various license applications for the period ending June 30, 2014 and June 30, 2015.

Kathy J. Gerharz appeared before the committee to discuss her application. After discussion of her record and her failure to include violations on her application, Ald. Matichek moved, seconded by Ald. Lessard, to grant the license contingent upon the application being corrected, and with a warning to include all relevant information on future applications. **Four ayes and one abstention (Ald. Lewandoske); motion approved.**

Jessica E. Steinke failed to appear before the committee. Ald. Matichek moved, seconded by Ald. Lessard, to deny the license application based upon Ms. Steinke’s failure to accurately reveal all relevant convictions on her application, her record of violations related to the licensed activity, and her failure to cooperate with the committee. **All ayes; motion approved.**

**R.O. No. 52-13-14 (6-17-13) – Various License Applications: Bev. Op. Lic. [new] App. Nos. 0009 (Tabitha L. Jarrett), 9995 (Joseph R. Kovacich); Taxicab Op. Lic. [renewal] App. No. 9812 (Vincent E. Kropuenske)**

Submitting various license applications for the period ending June 30, 2014 and June 30, 2015.

Tabitha L. Jarrett appeared before the committee to discuss her application. After discussion of her record and her failure to include violations on her application, Ald. Matichek moved, seconded by Ald. Thiel, to grant the license contingent upon the application being corrected, and with a warning to include all relevant information on future applications. **All ayes; motion approved.**

Joseph R. Kovacich appeared before the committee to discuss his application. The Sheboygan Police Department had a negative recommendation. After discussion of his record and his failure to include a violation on his application, Ald. Matichek moved, seconded by Ald. Lessard, to grant the license contingent upon the application being corrected, and with a warning to include all relevant information on future applications. **Four ayes and one nay (Ald. Lewandoske); motion approved.**

Vincent E. Kropuenske failed to appear before the committee. Ald. Matichek moved, seconded by Ald. Lessard, to request via certified mailing Mr. Kropuenske’s appearance before the committee at its July 23rd meeting. **All ayes; motion approved.**

**Appeal of the determination of the chief of police pursuant to Sec. 66-153 Sheboygan Municipal Code, that additional nuisance activity has occurred at a premises owned by Judyth Ellinger that had been previously declared a chronic nuisance, and that reasonable efforts have not been made to abate the nuisance activity**

Ald. VanderWeele called the hearing to order at 2:43 p.m. with appearances by Chief Christopher Domagalski on behalf of the Sheboygan Police Department, ACA Adams present to advise the committee, and Judyth Ellinger appearing in person. The following witnesses were present on behalf of the Sheboygan Police Department and were sworn in and questioned by Chief Domagalski: Officer Dana Fischer and Lt. Scott Mittelstadt.

Documents were marked as Exhibits 1-4 and offered as evidence. Copies were provided to Ms. Ellinger.

Officer Fischer discussed the timeline of events at 1133 Broadway Avenue. Lt. Mittelstadt discussed the invoices regarding the services of the police department. Judyth Ellinger cross-examined Lt. Mittelstadt. Ms. Ellinger indicated that she did pay the first invoice regarding the 2011 services and confirmed that she is only contesting the invoice from 2013 (Exhibit 3).

Judyth Ellinger was sworn in and testified. Audrey Brubaker was sworn in and questioned by Ms. Ellinger and also by Chief Domagalski regarding what services she provided to Ms. Ellinger in watching the property for her.

Closing statements were made by Chief Domagalski and Judyth Ellinger.

**MOTION TO CONVENE IN CLOSED SESSION** was made by Ald. Lessard and seconded by Ald. Matichek under the exemption provided in § 19.85(1)(a) of the Wisconsin Statutes for the purpose of deliberation concerning action to be taken regarding the appeal of Judyth Ellinger. **All ayes; motion approved.**

**MOTION TO RECONVENE IN OPEN SESSION** was made by Ald. Lessard and seconded by Ald. Matichek. **All ayes; motion approved.**

**Action regarding appeal of Judyth Ellinger**

A motion was made by Ald. Matichek moved, seconded by Ald. Lessard, as follows:

The committee finds the following facts:

1. Three or more nuisance activities resulting in enforcement action occurred within a 12-month period at 1133 Broadway Avenue, Sheboygan.
2. The appellant, Judyth Ellinger, appeared at a chronic nuisance hearing on March 13, 2011.
3. The appellant prepared an abatement plan which was received by the Sheboygan Police Department on March 14, 2011.
4. Additional nuisance activity occurred at the property after March 29, 2011, including an incident on April 1, 2013, the incident appealed by the appellant.

5. The appellant has not made reasonable efforts to abate the nuisance activity.
6. The costs resulting from the April 1, 2013 activity are \$695.81.

**All ayes; motion approved.**

Based on these findings of fact, a motion was made by Ald. Matichek, seconded by Ald. Lessard, to uphold the determination of the Chief of Police. **All ayes; motion approved.**

**Update regarding voluntary surrender of Alc. Bev. Lic. No. 2720-Rehab Bar & Grill (Rufino C. Martinez, Jr., Agent) and Bev. Op. Lic. No. 5551 (Amanda K. Martinez)**

ACA Adams informed the committee that all relevant licenses had been turned in on July 8th at 3:00 p.m. and will be reissued on August 7th at 3:00 p.m.

**Discussion and possible action regarding The Best Taxi (Taxicab Business Lic. App. No. 2997)**

See the minutes under R.O. 66-13-14 below regarding The Best Taxi license application.

**Discussion and possible action regarding the alcohol beverage license applications of Alc. Bev. Lic. App. Nos. 2977 (Geno Nottolini's Pizza), 2949 (Harry's Prohibition Bistro) and 2969 (Hacienda Vieja)**

Ignacio Mendiola, Avni Latifi and Ricardo Regalado were present. ACA Adams explained that all three of these businesses had applied for a license, but not had it issued as they were not ready to open yet. When the Clerk's office recently given them the opportunity to renew their licenses, none of them actually had a license to renew. Ald. Matichek moved, seconded by Ald. Lessard, to treat all three renewal applications as timely renewal applications so long as the necessary fees are paid within two weeks. **All ayes, motion approved.**

**R.O. No. 66-13-14 (7-1-13) – Various License Applications**

Submitting various license applications for the period ending June 30, 2014 and June 30, 2015.

Ald. Matichek moved, seconded by Ald. Lewandoske, to approve the change of premise application of Alc. Bev. Lic. No. 2726 (JMKAC), contingent upon issuance of the required street festival permit. **All ayes; motion approved.**

Ald. Lessard moved, seconded by Ald. Matichek, to grant a license to Fermented Malt Bev. Lic. and Class "C" Wine Lic. App. No. 2998 (Pete's Little Chicago LLC). **All ayes; motion approved.**

Mauro Castro was present and confirmed that The Best Taxi business is currently in operation, even though he had been advised by the Clerk's office that the provisional license had been issued in error and they cannot operate until the license application is approved. All of The Best Taxi vehicles were acquired from All-Star Taxi. Ald. Lessard moved, seconded by Ald. Matichek, to deny the license application based upon their continued operation of the business without a license after being told

that they could no longer operate, concern that this business is actually a continuation of the All-Star Taxi business, and a negative recommendation from the Sheboygan Police Department. **Four ayes and one nay (Ald. Thiel); motion approved.**

Ald. Lessard moved, seconded by Ald. Matichek, to call in Bev. Op. Lic. App. No. 0035 (Shannon R. Batteast) to discuss her application with the committee. **All ayes; motion approved.**

Ald. Lessard moved, seconded by Ald. Matichek, to grant a license to Bev. Op. Lic. App. No. 0019 (Joshua M. Freund). **All ayes; motion approved.**

Ald. Lessard moved, seconded by Ald. Matichek, to grant a license with a warning, contingent upon the application being corrected, to Bev. Op. Lic. [renewal] App. No. 4235 (Donna M. Altmann). **All ayes; motion approved.**

Ald. Matichek moved, seconded by Ald. Lessard, to grant a license with a warning, contingent upon the application being corrected, to Bev. Op. Lic. [renewal] App. No. 5092 (Joshua M. Altmann). **All ayes; motion approved.**

Ald. Lessard moved, seconded by Ald. Matichek, to grant a license with a warning, contingent upon the application being corrected, to Bev. Op. Lic. [renewal] App. No. 7568 (Katie L. Arentz). **All ayes; motion approved.**

Ald. Lessard moved, seconded by Ald. Matichek, to grant a license to Bev. Op. Lic. [renewal] App. No. 6168 (Barbara A. Dodge). **All ayes; motion approved.**

Ald. Lessard moved, seconded by Ald. Matichek, to grant a license to Bev. Op. Lic. [renewal] App. No. 9291 (Zachary J. Drescher). **All ayes; motion approved.**

Ald. Matichek moved, seconded by Ald. Lessard, to call in Bev. Op. Lic. [renewal] App. No. 9346 (Jaime A. Huerta) to discuss his application with the committee. **All ayes; motion approved.**

Ald. Matichek moved, seconded by Ald. Lessard, to grant a license with a warning, contingent upon the application being corrected, to Bev. Op. Lic. [renewal] App. No. 8702 (Nick J. Kartes). **All ayes; motion approved.**

Ald. Matichek moved, seconded by Ald. Lessard, to call in Bev. Op. Lic. [renewal] App. No. 9481 (Alexis A. Kuehl) to discuss her application with the committee. **All ayes; motion approved.**

Ald. Lessard moved, seconded by Ald. Matichek, to grant a license with a warning, contingent upon the application being corrected, to Bev. Op. Lic. [renewal] App. No. 8169 (Andrew P. Marks). **All ayes; motion approved.**

Ald. Lessard moved, seconded by Ald. Matichek, to call in Bev. Op. Lic. [renewal] App. No. 5750 (James R. Pups) to discuss his application with the committee. **All ayes; motion approved.**

Ald. Matichek moved, seconded by Ald. Lessard, to grant a license with a warning, contingent upon the application being corrected, to Bev. Op. Lic. [renewal] App. No. 9343 (Kelly S. Schwanke). **All ayes; motion approved.**

Ald. Lessard moved, seconded by Ald. Matichek, to call in Taxicab Op. Lic. [renewal] App. No. 9554 (Joseph P. Champeau) to discuss his application with the committee. **All ayes; motion approved.**

Ald. Matichek moved, seconded by Ald. Lessard, to call in Taxicab Op. Lic. [renewal] App. No. 8673 (Mariano Olaiz) to discuss his application with the committee. **All ayes; motion approved.**

Ald. Lessard moved, seconded by Ald. Matichek, to grant the remainder of the license applications for individuals and entities listed on the above-referenced R.O. **All ayes; motion approved.**

**Discussion and possible action regarding law violations that may require future action by the Committee**

After hearing a brief report from Lt. Teunissen regarding an incident on June 23, 2013 involving Christos Balassi who was driving a taxi, Ald. Lessard made a motion, seconded by Ald. Matichek, to call in Taxicab Business Lic. No. 2863-Greco Cab Co. (Christos G. Balassi, Agent) and Taxicab Op. Lic. No. 5356 (Christos G. Balassi) to discuss the matter with the committee. **All ayes; motion approved.**

Ald. Lessard made a motion to adjourn. Ald. Matichek seconded the motion. **All ayes; motion approved.**

There being no further business to come before the committee, the meeting was adjourned at 4:45 p.m.

The next committee meeting is scheduled to be held on July 23, 2013 at 2:00 p.m. in the Common Council Chambers located at City Hall, 828 Center Avenue.